

**Thirtieth Anniversary Celebration**  
**Legal Services Corporation**  
**November 30, 2004**  
**Judith S. Kave**

I am delighted to be here to mark the thirtieth anniversary of the Legal Services Corporation, indeed a significant achievement that deserves a huge celebration. I am especially proud to stand alongside my college and law school friend, LSC President Helaine Barnett. Given Helaine's superb talents and abilities—which I have known firsthand for longer than either of us cares to say—and given the wonderful people who are and have been part of this great venture, I do indeed feel both proud and confident about the Legal Services Corporation.

Like our terrific American Bar Association President, however, I am here not simply in my personal role as great fan and booster of LSC, but also in a representative capacity. I am here to represent the courts—the state courts in particular—and bring to this celebration the congratulations and good wishes of the Conference of Chief Justices of state courts throughout the United States.

A state court presence in your celebration is no accident, since well over 95 percent of this nation's litigation, and particularly the legal problems associated with poverty, are concentrated in the state courts of this nation. No one gets evicted, no one goes in or out of foster care, no one is granted legal protection from an abusive spouse, no one goes to jail, without a court order, overwhelmingly a state court order. In New York State alone, a huge percentage of our four million new filings annually unquestionably relates to poverty.

Thirty undeniably is a big birthday, and thirty years of stemming the tides undeniably is a solid achievement. So many things have not survived the decades. Just think of it: eight-track tapes, the Rubik's cube, punk rock, pet rocks, the Concorde, bell bottoms. Yet there is a certain irony— isn't there?—in the fact that, despite a radically changed society, and despite breathtaking advances in science, medicine and technology, still the promise, the great American dream, of equality, equal opportunity, equal justice remains an elusive one.

So much has changed over the past three decades, and of course poverty has changed, too. We have seen reductions in public assistance in favor of low-wage work. We have seen the devastating impact of drugs and the AIDS epidemic, and we've seen the emergence of domestic violence and family dysfunction from the shroud of secrecy—to give just a few examples that fall especially hard on America's poor. Changing times, changing needs.

But we have seen many other changes as well that give us every reason to believe that, together, we can indeed ameliorate some of the endemic problems and better approximate our goal of effective justice for all. And maybe the very best hope, from my perspective, lies in the many collaborations LSC has inspired, launched and joined in with the bar and with the courts.

I surely do share in the “Pride in the Past” portion of today's program, but I would like to spend my remaining minutes here focused on a few of the fruits of these joint enterprises that hold great promise for the future.

It all starts with the word, the concept, the principle of leveraging—a principle I know is dear to the heart of LSC. In fact, I've come to think of the initials “LSC” as standing for “Leveraging Scarce Capital.” And over the past three decades we've certainly seen a great number of cooperative efforts to leverage scarce capital—dollar capital as well as human capital.

LSC is, for example, effectively leveraging scarce human capital by its partnership programs with the bar—extending its reach by affiliating pro bono co-counsel in particular cases, or by special training for pro bono counsel in areas of LSC expertise, or by itself receiving the benefit of training in specialized areas by the private bar. And here again, collaboration with the courts has vastly multiplied the benefits all around. Along these lines, much to my delight, in recent years the New York courts have been engaged in just such a partnership with child welfare agencies to expedite adoption for children whose parental rights have been terminated. A vital part of that effort has been to engage private pro bono counsel, under the auspices of an experienced legal services provider, to process the adoptions—a genuine success story for all of us, but most of all for the children.

My second example of LSC—Leveraging Scarce Capital—is a wide range of what we call Access to Justice initiatives. In New York, within the past five years we have added an entire new branch to the top level of our administrative structure, with a top-level Administrative Judge, devoted to Access to Justice issues, most notably efforts to raise public awareness and attorney awareness both to legal needs and to funding sources. And by the way, she is here among us today—Judge Juanita Bing Newton. And New York State is by no means alone in initiatives such as this. I know from chats with Helaine Barnett as she has traveled among LSC grantees that Chief Justices and state courts across the nation have been critical partners in promoting access to justice, whether in Idaho, or Maryland, or Montana, or Texas, to name just a few.

Our joint efforts to harness today’s technology to these ends have been most encouraging. Programs to educate clients about their rights and responsibilities under the law, to demystify the courts for the rising numbers of pro se litigants. Programs for clients that link them with legal services providers who can assist with their particular needs. Programs for lawyers that enable the private bar to access legal services expertise so they can confidently volunteer to assist needy clients with problems outside their own area of practice.

My third and final example of Leveraging Scarce Resources is what I consider the ultimate collaboration: problem-solving justice.

The fact is that a large part of the business of the state courts in the 21<sup>st</sup> century involves much more than looking at a discrete set of facts and precedents, determining who prevails, and declaring the case concluded. That model works well in a large segment of our cases—commercial cases, personal injuries, product liability. But there are tens of millions of cases in the state courts every year—especially in the family, housing and criminal courts, problems of poverty—that challenge us all to think differently, more expansively, about the true meaning of delivering justice.

A disposition based on precedent may be only the beginning, not the end, of a litigant’s trips to the courthouse—as in the case of a drug addict sentenced to “time served” for illegal possession, who continues her habit and is promptly rearrested, meanwhile facing possible homelessness and loss of child custody. Indeed, given the millions upon millions of cases in the state courts, it must be that we are seeing many of

the same people again and again as their problems proliferate and their lives spiral downward. It stands to reason that collaborative efforts to resolve the underlying problem that first brings them before us are a wise use of all our resources.

And again here I am encouraged by the many ongoing initiatives around the country to build partnerships across disciplines that will save money and save lives. We see the benefits in unified family courts and in family treatment courts that have sprung up around the nation. And we see the benefits in special projects such as our upcoming Housing Court collaboration aimed at working together to prevent evictions in the first instance rather than wringing our hands over homelessness, foster care, and crime. Doesn't that make good sense?

So here we are, thirty years after the bipartisan effort that led to the creation of the Legal Services Corporation. You have a great deal to be proud of in the organization's past, and a great deal to look forward to in the organization's future. The other night, as I was preparing these remarks with the TV on, I was struck by Peter Jennings' description of America as a "hopeful nation." I agree. We are a hopeful nation. What better evidence than LSC? LSC is a hopeful organization—maybe more hopeful today than ever before. Hopeful based on thirty years of solid achievement. Hopeful based on strong and effective leadership. Hopeful based on sound collaborations. Hopeful because its mission is one that simply must succeed: equal justice for all.